

ORDINANCE NO. CO46.17.08.10.E1

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CEDAR PARK, TEXAS, ESTABLISHING CHAPTER 8 OFFENSES AND NUISANCES, ARTICLE 8.11 OPERATING UNMANNED AIRCRAFT SYSTEMS OVER SPECIAL EVENTS; MAKING IT UNLAWFUL TO OPERATE UNMANNED AIRCRAFT SYSTEMS OVER DEFINED SPECIAL EVENTS WITHOUT A PERMIT; DEFINING VIOLATION OF THE ARTICLE AS A NUISANCE; PROVIDING FOR A PENALTY FOR VIOLATION OF THE ORDINANCE; PROVIDING FOR EXCEPTIONS; PROVIDING FOR A PERMIT FEE; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, the City of Cedar Park, Texas (herein the "City") is a home rule city having authority to utilize police power regulation for the health, safety, and general welfare of the citizens of the City; and

WHEREAS, pursuant to Texas Local Government Code Chapter 51, the governing body of a municipality may adopt, publish, amend, or repeal an ordinance, rule, or police regulation that is for the good government, peace, or order of the municipality, and is necessary or proper for carrying out a power granted by law to the municipality; and

WHEREAS, pursuant to Texas Local Government Code Chapter 217, the governing body of a municipality may define and prohibit any nuisance within the city limits of the and within 5,000 feet thereof; and

WHEREAS, the 85th Texas Legislature passed House Bill 1643, authorizing municipalities to adopt and enforce ordinances regarding the operation of an unmanned aircraft during a special event; and

WHEREAS, it is the intent of the City to serve the City's compelling interest to promote, protect, and improve the health, safety, and welfare of the citizens of the City by limiting the operation of unmanned aircraft systems over special events where large groups of people gather;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CEDAR PARK, TEXAS:

SECTION 1. That the City of Cedar Park Code of Ordinances, Chapter 8 Offenses and Nuisances is hereby amended to add Article 8.11 Operating Unmanned Aircraft Over Special Events and Appendix A Fee Schedule, Section 12.600 Unmanned Aircraft System Permit Fee, in accordance with Exhibit A.

SECTION 2. That the provisions of this ordinance are severable and the invalidity of any word, phrase or part of this ordinance shall not affect the validity or effectiveness of the remainder of the ordinance.

SECTION 3. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 4. That it is hereby officially found and determined that the meetings at which this ordinance was introduced and passed were open to the public and that public notice of the time, place and purpose of said meetings were given all as required by law.

READ AND CONSIDERED ON FIRST READING by the City Council of Cedar Park at a regular meeting on the 27th day of July 2017, at which a quorum was present and for which due notice was given pursuant to Section 551.001, et. Seq. of the Government Code.

READ, CONSIDERED, PASSED, AND APPROVED ON SECOND AND FINAL READING by the City Council of Cedar Park at a regular meeting on the 10th day of August, 2017, at which a quorum was present and for which due notice was given pursuant to Section 551.001, et. Seq. of the Government Code.

PASSED AND APPROVED this the 10th day of August, 2017.

CITY OF CEDAR PARK, TEXAS



Matthew Powell, Mayor

ATTEST:



LeAnn M. Quinn, TRMC
City Secretary

APPROVED AS TO FORM
AND CONTENT:


J.P. LeCompte, City Attorney



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EXHIBIT A

ARTICLE 8.11 OPERATING UNMANNED AIRCRAFT SYSTEMS OVER SPECIAL EVENTS

Sec. 8.11.001 Definitions

Aircraft. Any device invented, designed, used or intended to be used to fly in the air by mechanical means.

Special event. Shall have the meaning ascribed by Texas Government Code, Section 423.009(a)(2), as it may be amended: a festival, celebration, or other gathering that:

(A) involves:

(i) the reservation and temporary use of all or a portion of a public park, road, or other property of a political subdivision; and

(ii) entertainment, the sale of merchandise, food, or beverages, or mass participation in a sports event; and

(B) requires a significant use or coordination of a political subdivision's services.

Unmanned aircraft system. An aircraft and all its associated systems and components that may be operated by remote control or without direct human intervention from within or on the aircraft.

Sec. 8.11.002 Nuisance defined; violation; penalty

(a) Nuisance. A violation of this section is hereby defined to be a nuisance pursuant to Texas Local Government Code, Section 217.042.

(b) Violation. It shall be unlawful for any person to deploy, launch, fly, or otherwise operate an unmanned aircraft system from or over the location of a special event held within the city limits or in the city's extraterritorial jurisdiction within 5,000 feet thereof for the duration of the event without a valid permit issued pursuant to section 8.11.003.

(c) Penalty. Any person who violates the provisions of this Article shall be charged with a class C misdemeanor, and upon conviction shall be fined as provided for in section 1.01.009 of this Code for each day that a violation exists; a separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.

Sec. 8.11.003 Permit

(a) Any person desiring to operate an unmanned aircraft system from or over the location of a special event shall first submit to the Director of Parks and Recreation, or their designee, a completed application for a permit on an official form, and shall pay the permit fee in accordance with the fee schedule in appendix A of this Code, as amended.

- (b) The number of permits issued shall be limited to ten (10) per special event.
- (c) The application for a permit shall include:
 - (1) The name, address, telephone number, and email address of the applicant;
 - (2) The name, address, telephone number, email address, and business name, if applicable, of the operator if the operator is different from the applicant;
 - (3) The manufacturer, model name, and serial number of the unmanned aircraft system to be flown;
 - (4) The FAA UAS registration number of the aircraft, if applicable; and
 - (5) The proposed location, date and times of operation.
- (d) The application and permit fee shall be submitted not less than fourteen (14) days before the date of the special event.
- (e) The Director of Parks and Recreation, or their designee, shall issue a permit to the first ten (10) applicants for a special event upon receipt of a completed permit application and payment of the permit fee. The permit shall be issued not less than ten (10) days after receipt of the completed permit application and permit fee. The permit shall contain the permit number, the name of the operator, date and times of permitted operation, and the signature of the Director of Parks and Recreation, or their designee.
- (f) The operator shall carry the permit on their person at all times while operating the unmanned aircraft system for the duration of the special event.

Sec. 8.11.004 Exceptions

The provisions of this Article shall not apply to an unmanned aircraft system operated by or on behalf of:

- (a) A law enforcement agency for a law enforcement purpose; or
- (b) The City.

APPENDIX A FEE SCHEDULE

ARTICLE 12.000 PARK RELATED FEES

Sec. 12.600 Unmanned aircraft system permit fee

The fee for a permit to operate an unmanned aircraft system at a special event shall be \$10.00.